

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25563 of 2006

Dated:08.12.2006

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Between:

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Abdul Gani Khan.

...Petitioner

and

Central Power Distribution Company of A.P.Ltd., and another.

...Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25563 of 2006

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ORDER:

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The petitioner is a Proprietor of Md.Azam Ali Service Centre, where he is eking out livelihood as a motor mechanic. He is availing power supply through Service Connection bearing No.A3007513 under Category-III(a). On 14.08.2006 the second respondent inspected the petitioner's premises and came to the conclusion that the petitioner is guilty of theft of electricity under Section 135 of the Electricity Act, 2003 (for short 'the Act'). Therefore, the second respondent provisionally assessed the value of the pilfered energy at Rs.1,82,182.50 ps., and informed the petitioner that if he wants to avail reconnection, he may have to pay 50% thereof, and also face civil and criminal liability. The petitioner then approached the first respondent by making a representation on 13.09.2006 requesting indulgence to permit him to pay the amount in installments. Considering the same, the first respondent issued letter dated 13.09.2006 permitting the petitioner to pay a sum of Rs.30,533/- along with regular Current Consumption Charges and an amount of Rs.50/- immediately, and the balance amount in two installments. Though the order was passed and though under the order the petitioner was required to have cleared the entire arrears, he only paid Rs.30,533/- and filed the present Writ Petition.

Learned Counsel for the petitioner submits that as the petitioner has paid Rs.30,533/-, his case may be considered for reconnection

and giving some more time for payment of the amount. This Court cannot accept such contention. Such a direction would be contrary to Section 56 of the Act, which mandates that the Distribution Licensee shall disconnect supply to a consumer who fails to pay the consumption charges. If so advised, the petitioner may approach the first respondent in this regard for further redressal.

The Writ Petition is accordingly dismissed. No costs.

(V.V.S.RAO, J)

08.12.2006

vs